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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT P. BENYAMINI,

Plaintiff,

No. CIV S-09-2602 GGH P

vs.

MENDOZA, et al.,

Defendants.

ORDER &

FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. By separate order, the court has found certain of plaintiff's claims against some defendants appropriate for service. However, for the reasons set forth in the order, filed on March 2, 2010, the undersigned now recommends dismissal of certain claims and defendants.

Accordingly, IT IS ORDERED that the Clerk of the Court make a district judge assignment to the instant case.

IT IS RECOMMENDED that plaintiff's claims regarding denial of outdoor or physical exercise and of access to a television or radio for the period of May 4, 2005, until May 14, 2005, as well as any claims against defendants Hamilton, Ramirez and Hurtado, be dismissed.

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These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: June 2, 2010

/s/ Gregory G. Hollows

GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

GGH:009
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